

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FREDERICK O'NEAL SCOTT	§	
VS.	§	CIVIL ACTION NO. 1:18-CV-420
TEXAS DEPARTMENT OF CRIMINAL JUSTICE, <i>et al.</i> ,	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Frederick O'Neal Scott, an inmate confined at the Mark Stiles Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants the Texas Department of Criminal Justice (Stiles Unit) and the University of Texas Medical Branch (Stiles Unit).

The court referred this matter to the Honorable Keith Giblin United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends plaintiff's civil rights action be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) as frivolous.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleading. Plaintiff filed objections to the Report and Recommendation of United States Magistrate Judge. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

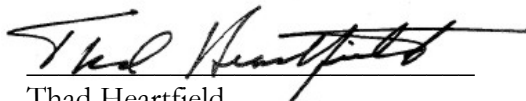
After careful consideration, the court finds plaintiff's objections lacking in merit. The Magistrate Judge outlined that the complaint recites fantastic charges that are incomprehensible. A review of the Objections filed also reveals that they similarly recite fantastic charges that are not comprehensible. Plaintiff's complaint should be dismissed as frivolous and for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(b). *Denton v. Hernandez*, 504 U.S. 25, 33 (1992) (a claim

may be deemed to lack an arguable basis in fact only if it is based upon factual allegations that are clearly fanciful or delusional in nature).

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in accordance with the recommendations of the Magistrate Judge.

SIGNED this the 16 day of **October, 2019**.


Thad Heartfield
United States District Judge